

# Notice of Allowability

Application No.

10/758,072

Examiner

Naeem Haq

Applicant(s)

SCHRENK, ROGER A.

Art Unit

3625

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/7/2007.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

NAEEM HAQ  
PRIMARY EXAMINER



### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 8/20/2007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

Art Unit: 3625

## DETAILED ACTION

### *Response to Amendment*

Applicant's After-Final amendment filed on June 7, 2007 has been entered.

Claims 1-21 are pending.

## EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Mark Wurm August 1, 2007.

### **Please amend claim 1 as follows:**

1. (Amended) A system for providing aggregation of buyers and sellers over the internet comprising:

a self-contained graphical pairing method employing a database running on a computer server for storing images of existing items offered by sellers ~~[[or]]~~ and desired by buyers over the internet;

a graphical reference library resident in the graphical pairing method ~~for use~~ and used by the sellers and the buyers for listing and ~~search~~ searching the images of

Art Unit: 3625

existing items, the library comprising a graphical alphabet of images of component parts of existing items to be listed, the alphabet comprised of graphics drawn to generally represent stylistic differences of design of existing items,

wherein each graphical image is ~~being~~ a representation of a stylist component and not ~~[[a]]~~ an exact drawing of an ~~exact or~~ existing component, said individual ~~graphic~~ graphical image used to represent represents variations of itself including nuances;

search means for use by buyers over the internet ~~for locating~~ to locate desired existing items listed by sellers located closest to buyers through use of the graphical reference alphabet,

thereby ~~aggregate~~ aggregating buyers and seller existing items through online internet communication.

**Please amend claim 2 as follows:**

In line 3, replace the word "unique" with the word "existing".

**Please amend claim 5 as follows:**

In line 2, replace the word "unique" with the word "existing".

**Please amend claim 6 as follows:**

In line 2, replace the word "unique" with the word "existing".

**Please amend claim 7 as follows:**

In line 2, replace the word "unique" with the word "existing".

Art Unit: 3625

**Please amend claim 9 as follows:**

9. (Amended) A method for aggregating buyers and sellers of existing items over the internet comprising the steps of:

sellers and buyers using a graphical reference library resident in a self-contained graphical pairing method in a database running on a computer server for listing images of

existing items for sale by sellers [[or]] and desired by buyers over the internet, the graphical reference library comprising a finite number of graphical icons drawn to generally represent variations physical component parts of existing items to be listed;

listing content of existing items for sale by sellers and [[or]] desired by buyers online on the internet by sellers and buyers of designs, furnishings and accessories including relevant physical characteristics of the unique items for sale or desired by using the graphical reference library having a graphical alphabet of component parts;

matching images of existing items listed for sale by sellers to those images of items desired by buyers by pairing the graphical icons selected by the sellers and the buyers to represent the physical components of the offered items and [[or]] desired items;

locating sellers closest to buyers,

thereby aggregating buyers and sellers of existing items through online internet communication.

Art Unit: 3625

**Please amend claim 10 as follows:**

In line 3, replace the word "unique" with the word "existing".

**Please amend claim 13 as follows:**

In line 2, replace the word "unique" with the word "existing".

**Please amend claim 14 as follows:**

In line 2, replace the word "unique" with the word "existing".

**Please amend claim 15 as follows:**

In line 2, replace the word "unique" with the word "existing".

**Please amend claim 17 as follows:**

17: (Amended) A computer program [[in]] embodied in a computer-readable medium and executable by a computer processor, said program ~~medium~~ comprising instructions to:

access a self-contained graphical pairing method employing a database running on a computer server for storing images of existing items offered by sellers [[or]] and desired by buyers over the internet;

access a graphical reference library resident in the graphical pairing method, the library comprising a finite number of graphical icons drawn to generally represent variations of physical component parts of existing items to be listed;

Art Unit: 3625

list, via use of the graphical reference library having a graphical alphabet of component parts representing graphical icons, existing items online on the internet offered by sellers and [[or]] desired by buyers of designs, furnishings and accessories including relevant physical characteristics of the existing unique items for sale;

online matching of images of items offered by sellers to those images of items desired by buyers by pairing the graphical icons selected by the sellers and the buyers to represent the physical components of the offered items and desired items;

locating sellers closest to buyers,

displaying the results of an online search by sellers and buyers to match the existing items offered by sellers to those [[or]] desired by buyers through internet communication.

**Please amend claim 18 as follows:**

In line 3, replace the word "unique" with the word "existing".

**Please amend claim 20 as follows:**

In line 2, replace the word "unique" with the word "existing".

***Allowable Subject Matter***

Claims 1-21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Statement of allowance is in reference to independent claims 1, 9, and 17. All other claims are dependent on these claims.

Art Unit: 3625

The present application is directed to a system, method, and program for bringing buyers and sellers together over the Internet. The invention has a graphical reference library that stores images of component parts of existing items. The sellers use the images to list the products they have for sale, and the buyers use the images to locate the sellers who have the products for sale. Thus, the sellers and buyers use images to perform the listing and searching.

Independent claims 1, 9, and 17 recite the uniquely patentable feature of a graphical reference library that stores images of component parts of existing items and having the sellers and buyers use the images to perform the listing and searching.

#### Discussion of the most relevant prior art:

The following references have been identified as the most relevant prior art to the claimed invention.

(i) WO 01/93156 A1 ("WIPO"): WIPO discloses online customizing jewelry by providing a user with images of gemstones (claims 2 and 4) and gemstone setting styles (claim 6). However, WIPO fails to teach or suggest performing either a search or listing of a product by a seller or buyer using images. The images in WIPO are used to create a unique item. The image and all the pertinent information are then sent to a manufacturer to manufacture the item. There is no teaching or suggestion in WIPO of a seller or buyer listing or searching for an item using an image.

Art Unit: 3625

(ii) US 2004/0113945 A1 to Park et al. ("Park"): Park discloses configuring a chair by selecting various images (Figure 2, "210"). However, Park fails to teach or suggest either a search or listing of a product by a seller or buyer using images.

(iii) "Photobook: Content-Based Manipulation of Image Databases" MIT Media Laboratory, Nov 1993 ("MIT"): MIT discloses the Photobook system. Photobook is a set of interactive tools used for searching images in a database (Abstract) by using either text annotation or a Motif interface with text annotation (page 5, column 2). Thus, Photoshop is essentially a text search. For this reason, MIT fails to teach or suggest using the images to perform the listing and searching.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 20, 2007

NAEEM HAQ  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'Naeem Haq', written over the printed name and title.